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Attorneys for Funzio, Inc., Funzio USA, Inc.,  
and GREE International, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GAMETEK LLC,

Plaintiff,

v.

FUNZIO, INC., FUNZIO USA, INC.,  
AND GREE INTERNATIONAL, INC.,

Defendants.

Case No. 3:13-CV-03089-RS

**DECLARATION OF STEVEN  
MOORE IN SUPPORT OF FUNZIO'S  
MOTION FOR ATTORNEYS' FEES**

1 I, Steven Moore, do hereby declare as follows:

2 1. I am a partner with the law firm of Kilpatrick, Townsend & Stockton LLP, which is  
3 counsel for Defendants Funzio, Inc., Funzio USA, Inc.,<sup>1</sup> and GREE International, Inc. (collectively,  
4 “Funzio”). I am admitted to practice in the State of California. I submit this declaration in support  
5 of Funzio’s Motion for Attorneys’ Fees. I have knowledge of the facts in this declaration, and if  
6 called as a witness I could and would testify competently thereto.

7 2. Kilpatrick, Townsend & Stockton LLP’s representation of Funzio started on October  
8 2, 2013.

9 3. Pursuant to Local Rule 54-5(b)(1), I provide the following statement. As counsel for  
10 Funzio, I have knowledge that Vanessa Blake, an associate with Kilpatrick, Townsend & Stockton  
11 LLP, met and conferred with John Edmonds, counsel for plaintiff GT Gaming f/k/a Gametek LLC  
12 on Monday, June 23. Ms. Blake informed me that, during the meet and confer, she attempted to  
13 resolve any disputes with respect to Funzio’s Motion for Attorneys’ Fees. Ms. Blake also informed  
14 me that GT’s counsel did not dispute that Funzio is a prevailing party under § 285 but does oppose  
15 Funzio’s motion.

16 4. Pursuant to Local Rule 54-5(b)(2), I provide the following statements. Funzio seeks  
17 fees for Kilpatrick, Townsend & Stockton LLP attorneys Larry McFarland, Vanessa Blake, Rodney  
18 Miller, Wab Kadaba, Elizabeth Conlin, and myself, and paralegals Bruce Nelson and Susie Moore.  
19 Generally, the fees and expenses related to (1) responding to GT’s discovery requests, (2) preparing  
20 for claim construction as required by the case schedule, and (3) asserting a motion for judgment on  
21 the pleadings, which the Court granted in favor of Funzio. The attorneys provided legal advice and  
22 work such as researching legal issues, drafting briefs, preparing for and arguing motion at hearings,  
23 responding to GT’s discovery requests, communicating with opposing counsel, and preparing for  
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25 <sup>1</sup> Funzio USA, Inc. was recently dissolved as part of the acquisition of Funzio, Inc.  
26 by GREE International, Inc.

depositions of Funzio witnesses. The paralegals provided litigation support such as e-filing documents and preparing documents for depositions and other discovery.

5. Pursuant to Local Rule 54-5(b)(2), I provide the following statement. Kilpatrick, Townsend & Stockton LLP has strict time-recording policies in place. All persons regularly recorded their time via their personal computers (or using the services of support personnel) using an industry-standard legal case management time-recording software as required by firm policy. Our firm policy requires a thorough review of the invoices for fees and expenses to confirm each entry reflects appropriately-charged time before sending to Funzio. Then, an in-house counsel at Funzio reviewed the fees and expenses.

6. Pursuant to Local Rules 54-5(b)(2) and 54-5(b)(3), I provide the following statement.

Name	Relevant qualifications and experience	Customary hourly charge to Funzio	Time spent (hours)
Rodney Miller	5 years practicing patent litigation and admitted to practice before the U.S. Patent Office	\$375	180.57
Vanessa Blake	10 years practicing patent litigation and admitted to practice before the U.S. Patent Office	\$475	134.32
Larry McFarland	28 years practicing intellectual property litigation	\$625	13.17
Steven Moore	18 years practicing patent litigation	\$615	7.6
Wab Kadaba	17 years practicing patent litigation and admitted to practice before the U.S. Patent Office	\$615	28.42
Bruce Nelson	24 years of experience in litigation, including 13 years in patent litigation	\$270	25.63
Susan Moore	25 years of experience in litigation, including 10 years in patent litigation	\$270	2.7
Elizabeth Conlin	18 years of experience in litigation, including 8 years in patent litigation	\$205	15.1

7. Funzio joined with CIE Games, Defendants CrowdStar International LTD, CrowdStar, Inc., and CrowdStar Network, LLC in a joint defense group to share some costs such as attorney fees. The monthly bills would be split equally among the joint defense group members on certain joint matters. The distribution is reflected in the award that Funzio seeks in this motion, meaning

1 that Funzio is only seeking fees it actually paid (and not the share paid by other companies in the  
2 joint defense group).

3 8. I have knowledge of billing rates of our competitor law firms based on public  
4 information available, and the billing rates here are within the industry-standard range for the type of  
5 services provided.

6 9. True and correct copies of redacted invoices for Kilpatrick, Townsend & Stockton  
7 LLP to Funzio, which include the fees with daily time entry descriptions that Funzio incurred in  
8 defending against GT Gaming's allegations, are attached as Exhibit A. Funzio has paid and is  
9 current on all fees requested in the attached invoices. Funzio is only seeking fees it actually paid.

10 10. Pursuant to Fed. R. Civ. P. 54(d)(2)(B), Funzio seeks the amount of \$172,643.90 in  
11 fees it has paid to date for the period covering Kilpatrick, Townsend & Stockton LLP's  
12 representation of Funzio. In addition to the fees paid to date, Funzio also incurred fees in excess of  
13 \$28,000 with respect to bringing this motion, for a total fee amount of \$200,643.90.

14 11. In a letter from GT's counsel to Funzio's counsel dated April 16, 2014, GT threatened  
15 to seek sanctions against Funzio for failing to produce 37 categories of documents, many of which  
16 were not in their 16 Requests for Production. Some of the information requested in the April 16,  
17 2014 letter had already been produced by Funzio. Specifically, Funzio had already produced all  
18 requested financial information and made the source code for the accused games available for  
19 inspection. A number of requested information noted in April 16, 2014 letter could be obtained  
20 from an inspection of the available source code. GT did not inspect the available source code for the  
21 accused games during Kilpatrick, Townsend & Stockton LLP's representation of Funzio.

22 12. Exhibit 38 to Funzio's Motion for Attorneys' Fees is a true and correct copy of the  
23 30(b)(6) notice sent by GT.

24 13. Exhibit 39 to Funzio's Motion for Attorneys' Fees is a true and correct copy of a letter  
25 dated April 16, 2014 sent by GT's counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

By: /s/Steven Moore

Steven Moore